



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,874	07/27/1999	JOSEPH L. HELLERSTEIN	YO999-131	3396

7590 02/02/2004

WILLIAM E LEWIS
RYAN, MASON & LEWIS LLP
90 FOREST AVE
LOCUST VALLEY, NY 11560

EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/359,874

Applicant(s)

HELLERSTEIN ET AL.

Examiner

The T. Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 11/13/2003, PROSECUTION IS HEREBY REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

- 2. Claims 1-20 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauer U.S Patent No. 6,118,936 in view of Admitted Prior Arts (APA) and Stevens U.S Patent No. 5,867,229.

As to claim 1, Lauer teaches a method of analyzing non-fully structured data (Fig. 6) associated with one or more events (collect data from network elements 602, Fig. 6 and lines 41-46 column 3) comprising parsing at least a portion of the non-fully structured data (610, Fig. 6) according to one or more parsing rules (614, Fig. 6) to convert the at least a portion of non-fully structured data to structured data (616, Fig. 6); providing presentation operations (714, Parse and Standardize Data, Fig. 7a) which are able to provide a presentation of at least a portion of the non-fully structured data; provide a graphical representation of the at least a portion of structured data (network topology information is used to provide graphical displays, lines 57-58 column 5). However, Lauer does not explicitly teach presenting the non-fully structured data and summary representation of the structured data, and coordinating data of two or more of the presentations.

APA teaches presenting the non-fully structured data (to view the raw log file via a text editor, lines 18-19 page 2) and summary representation of the structured data (aggregate events and analyze summary information, lines 26-27 page 2). It would have been obvious to apply the teachings of APA to the system of Lauer because this provides the user different approaches to view the structured data.

Stevens teaches coordinating data associated with two or more of the presentations when desired to enable a coordinated analysis of the data (views of the same event are stored and played back synchronously and simultaneously as four displays, the event may be analyzed in real time at the same time without requiring mental correlation and synchronization of the event for individual views, line 64 column

2 to line 2 column 3). It would have been obvious to apply the teachings of Stevens to the system of Lauer for analysis purpose because the user can view different representations of the data at the same time (see the same image from different views simultaneously, lines 2-6 column 3); therefore providing the user great flexibility while reducing the time required for the analysis.

As to claim 2, Lauer as modified above teaches view of the graphical representation (network topology information is used to provide graphical displays, lines 57-58 column 5). APA teaches view of the summary representation (aggregate events and analyze summary information, lines 26-27 page 2). Lauer as modified by APA does not teach coordinated views for graphical and summary representations. Stevens teaches coordinating data associated with two or more of the presentations when desired to enable a coordinated analysis of the data. Note the discussion of claim 1 above for the teachings of Stevens as well as the reasons and motivations of combining references.

As to claim 3, Lauer as modified further discloses modifying the parsing rules to affect the parsing operation (allows the operator to limit the scope of his displays, lines 50-52 column 14).

As to claims 4-5, Lauer as modified does not explicitly teach rubber-banding and zooming operations. However, rubber-banding and zooming operations are conventional techniques that are being used while interacting with a graphical image or display. Therefore one of ordinary skill in the art would include these techniques in the

system of Lauer because such techniques provide better views of the graphical data to a user.

As to claim 6, APA further teaches summary representation includes one or more attributes (event counts, line 27 page 2) associated with the structured data.

As to claim 7, Lauer as modified further discloses providing a selection operation (select All, or Clear, Fig. 8i).

As to claim 8, Lauer as modified further discloses providing a filtering operation (Filter Definition Window screen display window, lines 50-51 column 14).

As to claim 9, it is the system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Lauer as modified further teaches a selection and control engine (SNMS 300, line 35 column 7) controlling operations.

As to claim 10, Lauer as modified further discloses the operations controlled by the selection and control engine include data and parsing rule access (SNMS parses event, lines 36 column 7, and event is parsed according to defined parsing rules, lines 49-50 column 9).

As to claims 11, Lauer as modified further discloses communications between the viewers (accepts operator input as actions, lines 4-15 column 12).

As to claim 12, it is the apparatus claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Lauer as modified does not explicitly teach a processor and a memory. "Official Notice" is taken that both the concept and advantage of providing for a processor and a memory is well known and expected in the art. It

would have been obvious to include a processor and a memory into the system of Lauer because they are required components for a computer system to operate properly.

As to claim 13-19, they are apparatus claims of claims 2-8. Therefore, they are rejected for the same reasons as claims 2-8 above.

As to claim 20, it is the computer product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

Response to Arguments

4. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Art Unit: 2126

Any response to this action should be mailed to:

Commissioner for Patents


P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH
January 27, 2004


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100